

JAN 24 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Haixiang Liang

Title: IMPAIRMENT SENSITIVE SELECTION OF CONSTELLATION  
POINTS FOR COMMUNICATION ACROSS A CHANNEL

Application No.: 09/627,571

Filed: July 28, 2000

Examiner: Edith M. Chang

Group Art Unit: 2634

Atty. Docket No.: 1005-0018

January 21, 2005

MAIL STOP RCE  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**  
**37 C.F.R. § 1.114**

This is a request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the  
above-identified application.

1. Submission required under 37 C.F.R. § 1.114

☐ Previously submitted

☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on n/a. (any  
unentered amendment(s) referred to above will be entered)

☐ Consider the arguments in the appeal Brief or Reply Brief previously filed on n/a.

☐ Other: n/a.

☒ Enclosed

☒ Amendment/Reply

☐ Affidavit(s)/Declaration(s)

☒ Information Disclosure Statement (2 page(s)), including PTO/SB0/8A and/or  
PTO/SB/08B (1 page(s)), and copies of no reference(s)

☒ Other: Petition for Extension of Time (2 pages)  
Annotated Marked-Up Drawings (6 pages)  
Replacement Sheets of Drawings (6 pages)

2. Miscellaneous

☒ Suspension of action on the above-identified application is requested under 37 C.F.R.  
§ 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37  
C.F.R. § 1.17(i) required)

☐ Other: n/a.

01/26/2005 CNGUYEN 00000020 09627571

01 FC:1801 790.00 OP

pro transmittal-rce 01-21-05.doc

03/16/2005 SDIRETA1 00000007 09627571

01 FC:1464 130.00 OP

03/16/2005

01 FC:1463

-1-

01/26/2005 CNGUYEN 00000044 500631 09627571  
01 FC:1463 70.00 DA 130.00 OP

Application No.: 09/627,571

later-01/26/2005 CNGUYEN 00000020 09627571  
2005-01-26-09627571-130.00 OP  
1464 04-627571

Adjustment date: 03/16/2005 SDIRETA1  
01/26/2005 CNGUYEN 00000044 500631 09627571  
01 FC:1463 70.00 CR

**ZAGORIN O'BRIEN GRAHAM LLP**

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INTELLECTUAL PROPERTY ATTORNEYS

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INTERNET: [www.ip-counsel.com](http://www.ip-counsel.com)

February 4, 2005

**VIA FACSIMILE (Fax: 703-308-6778)**

Office of Finance  
Refund Section  
P.O. Box 16  
Washington D.C. 20231

RE: Deposit Account No. 500631

Dear Sir or Madam:

On January 21, 2005, our firm filed a Request for Continued Examination (RCE) (*copy enclosed*) in Application No. 09/627,571. Within the RCE, we requested a Suspension of Action under 37 C.F.R. § 1.103(c), which included the processing fee set forth in C.F.R. § 1.17(i) of \$130 (*requesting limited suspension of action, request for continued examination (§ 1.114)*).

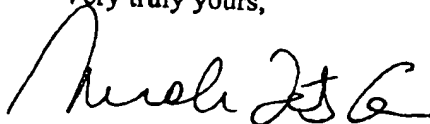
Additionally, a Petition for Extension of Time was filed concurrently with the RCE, requesting a three month extension of time (*less two months having been previously paid*), thus \$1,020 - \$450 = \$570. The Extension Fee of \$570 was included in the total filing fees of the RCE (*copy enclosed*).

In our recent Deposit Account statement, however, we noticed a charge was made against the above-identified application in the amount of \$70 under fee code 1463 (*Petitions requiring the petition fee set forth in 37 CFR § 1.17(g) (Group II)*). Since the proper processing fee was included (*requesting limited suspension of action, request for continued examination § 1.17(i)*), and the proper extension fee was included (*extension for response under 37 CFR § 1.17(a)*) with the filing of the RCE, there should have been no additional fees necessary.

We, therefore, respectfully request that you credit our deposit account no. 50-0631 in the amount of \$70 to refund the erroneous charge.

If you have any questions or require additional information or documentation, please contact my assistant, Peggy S. Pepitone or me.

Very truly yours,



Nicole Teitler Cave (Reg. No. 54,021)

/psp

Enclosures: as stated

Refund Request 050204.doc

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☐ Previously submitted☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on n/a. (any  
unentered amendment(s) referred to above will be entered)☐ Consider the arguments in the appeal Brief or Reply Brief previously filed on n/a.☐ Other: n/a.☒ Enclosed☒ Amendment/Reply☐ Affidavit(s)/Declaration(s)☒ Information Disclosure Statement (2 page(s)), including PTO/SB0/8A and/or  
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§ 1.103(c) for a period of three (3) months. (Period of suspension shall not exceed 3 months; Fee under 37  
C.F.R. § 1.17(i) required)☐ Other: n/a.

## PATENT

## 3. Fees (The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.)

	Pending Claims	Claims Previously Paid	Extra Claims	Fees
Basic Fee				
Total Claims	30			790.00
Independent Claims	5	- 28 =	2 x \$50.00 =	100.00
		- 5 =	0 x \$200.00 =	0.00
Multiple Dependent Claims (if any) - \$360.00 fee				
Additional Claims Fee				
Fee For Extension Of Time: 3-Month Ext. less 2-Month Ext. (previously paid)				\$ 100.00
Other Fees: (Suspension of action under 37 C.F.R. § 1.103(c))				570.00
TOTAL FEE DUE:				130.00
				\$1,590.00

- ☒ A check is enclosed for the Total Fee shown above.
- ☐ Please charge the Total Fee shown above to Deposit Account 50-0631.
- ☐ Please charge the Total Fee shown above to credit card (Form PTO-2038 enclosed).
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees and any additional fees under 37 C.F.R. § 1.16 or 1.17 that may be required during the pendency of this application, and to similarly credit any overpayment, to Deposit Account 50-0631.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being

- ☐ deposited with the US Postal Service with sufficient postage as first class mail, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ facsimile transmitted to the US Patent and Trademark Office.

\_\_\_\_\_  
Date

EXPRESS MAIL LABEL: EV 461 146 725 US

**EV461146725US**

Respectfully submitted,

*Nicole Teitler Cave*  
Nicole Teitler Cave, Reg. No. 54,021  
Attorney for Applicant(s)  
(512) 338-6315  
(512) 338-6301 (fax)

**ZAGORIN O'BRIEN GRAHAM LLP**

*Intellectual Property Attorneys*

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**FACSIMILE MESSAGE TRANSMITTAL**

<b>TO:</b>	Office of Finance/Refund Section	<b>PHONE #:</b>	
<b>FROM:</b>	Nicole Teitler Cave	<b>DATE:</b>	February 4, 2005
<b>SUBJECT:</b>	Request for Refund		
<b>YOUR REF:</b>		<b>OUR REF:</b>	
<b>FACSIMILE #:</b>	703-308-6778	<b>PAGES:</b>	6 (including this transmittal)

**MESSAGE**

Please see attached.

THE INFORMATION CONTAINED IN AND TRANSMITTED WITH THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE RECIPIENT(S) IDENTIFIED ABOVE. THE INFORMATION MAY INCLUDE ATTORNEY-CLIENT COMMUNICATIONS, AND IF SO, MAY BE PRIVILEGED AS WELL AS CONFIDENTIAL. IF YOU, THE READER OF THIS MESSAGE, ARE NOT THE INTENDED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS INFORMATION IN ERROR AND THAT ANY REVIEW, DISSEMINATION, DESTRUCTION OR COPYING THEREOF IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS INFORMATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AT (512) 338-6300 AND WE WILL ARRANGE FOR RETURN OF THE ORIGINAL MESSAGE. THANK YOU.